



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 557 (as enacted)
Senate Bill 558 (as enacted)
Sponsor: Senator Tonya Schuitmaker
Senate Committee: Judiciary
House Committee: Appropriations

PUBLIC ACT 29 of 2014
PUBLIC ACT 28 of 2014

Date Completed: 4-21-14

CONTENT

Senate Bill 557 amended the Mental Health Code to prohibit the Department of Community Health (DCH) from preventing a community mental health services program (CMHSP) from using State General Fund/General Purpose dollars to provide mental health services to county jail inmates, if the CMHSP and the county or county sheriff have entered into an agreement that the CMHSP will provide such services.

Senate Bill 558 amended the Mental Health Code to require each county to have a written interagency agreement to provide mental health treatment and assistance to people in the criminal justice system, if permitted by law and considered appropriate.

The bills took effect on March 6, 2014.

A more detailed description of Senate Bill 558 follows.

Section 207 of the Code requires each CMHSP to provide services designed to divert people with serious mental illness, serious emotional disturbance, and developmental disability from possible jail incarceration when appropriate. The services must be consistent with the policy established by the DCH.

The bill added Section 207a to require each county to have to have a written interagency agreement in place by October 1, 2014, for a collaborative program to provide mental health treatment and assistance, if permitted by law and considered appropriate, to people with serious mental illness who are considered at risk for one or more of the following:

- Entering the criminal justice system.
- Not receiving needed mental health treatment services during a period of incarceration in a county jail.
- Not receiving needed mental health treatment services upon release or discharge from incarceration in a county jail.
- Being committed to the jurisdiction of the Department of Corrections.

Parties to the agreement must include at least all of the following:

- The county sheriff's department.
- The county prosecutor's office.
- The CMHSP that provides services in that county.
- The county board of commissioners.
- A district court judge who serves in the county.
- A circuit court judge who serves in the county.

If there is more than one judicial district in the county, the district judge who is a party to the agreement must be one who is designated either by the chief judge of a district court in that county or a chief judge with authority over a district court in that county. The circuit judge who is a party to the agreement must be designated either by the chief judge of the circuit court or by a chief judge with authority over the circuit court in that county.

At a minimum, the interagency agreement must cover all of the following:

- Guidelines for program eligibility.
- Interparty communication and coordination.
- Day-to-day program administration.
- Involvement of service consumers, family members, and other stakeholders.
- How the program will work with local courts.
- How the program will address potential participants before and after criminal charges have been filed.
- Resource sharing between the parties to the agreement.
- Screening and assessment procedures.
- Guidelines for case management.
- How the program will work with county jails.
- Criteria for completing the program.
- Mental health treatment services that are available through the program.
- Procedures for first response to potential cases, including response to crises.
- How the program administrators will report the program's actions and outcomes to the public.

A county that had a written interagency agreement in place on the bill's effective date may maintain that agreement, but must ensure that it contains all of the provisions described above.

The DCH, the State Court Administrative Office, and parties to the agreement may establish additional policies and procedures to be included in the agreement. In addition, the DCH may promulgate rules to implement Section 207a.

A county does not have to provide funds for the program described in the interagency agreement. In implementing Section 207a, a county must spend funds for the program only to the extent appropriated annually by the Legislature for that program.

MCL 330.1207b (S.B. 557)
330.1207a (S.B. 558)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 557

The bill will allow for the redirection of resources by CMHSPs to provide mental health services to jail inmates. There will be no direct fiscal impact on State or local government

Senate Bill 558

The bill specifies that counties are not required to provide their own funds to support the program. There will be minor administrative costs to the State to establish policies and procedures and to promulgate rules. To the extent that the diversion of cases from the judicial system to treatment results in lower jail and prison costs, both State and local government may realize indeterminate savings.

Fiscal Analyst: Steve Angelotti

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.